

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hunter *et al.*

Application No. 10/616,410

Filed: July 8, 2003

FILED BY EFS ON July 17, 2006

Confirmation No. 9290

For: NIMA INTERACTING PROTEINS

Examiner: Lei Yao, Ph.D.

Art Unit: 1642

Attorney Reference No. 7158-71253-09

SUBMITTED VIA ELECTRONIC FILING SYSTEM
UNITED STATES PATENT AND TRADEMARK OFFICE

**TERMINAL DISCLAIMER TO OBIVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

The Salk Institute for Biological Studies, 10010 N. Torrey Pines Road, La Jolla, CA 92037-1099 ("Salk Institute"), is the owner of the entire interest in the above-identified application pursuant to the Assignment recorded with the United States Patent and Trademark Office on April 16, 1996 (Reel 7960, Frames 0959-0962).

The Salk Institute hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior U.S. Patent No. 5,972,697 as the term of said prior patent is defined in 35 U.S.C. §154 and §173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The Salk Institute hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Salk Institute does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I am empowered to act on behalf of the Salk Institute.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Salk Institute for Biological Studies

July 17, 2006
Date

Gary H. Silverstein
Gary Silverstein, J.D., Ph.D.
Assistant Secretary and General Counsel